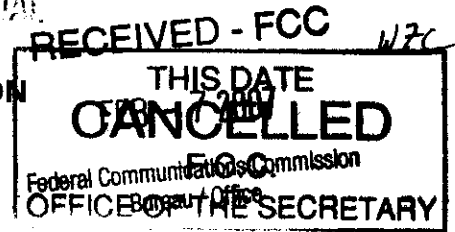


CONFIDENTIAL

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554



In the Matter of)

ARKANSAS CABLE TELECOMMUNICATIONS)
ASSOCIATION; COMCAST OF ARKANSAS, INC.;)
BUFORD COMMUNICATIONS I, L.P. d/b/a)
ALLIANCE COMMUNICATIONS NETWORK;)
WEHCO VIDEO, INC.; COXCOM, INC.; and)
CEBRIDGE ACQUISITION, L.P., d/b/a)
SUDDENLINK COMMUNICATIONS,)

Complainants,)

v.)

ENTERGY ARKANSAS, INC.,)

Respondent.)

EB Docket No. 06-53

EB-05-MD-004

FILED/ACCEPTED

FEB - 9 2007

Federal Communications Commission
Office of the Secretary

To: The Honorable Arthur I. Steinberg
Office of the Administrative Law Judge

MOTION FOR AUTHORIZATION TO FILE REPLY BRIEF

Pursuant to 47 C.F.R. § 1.294, Complainants Arkansas Cable Telecommunications Association, Comcast of Arkansas, Inc., Buford Communications I, L.P. d/b/a/ Alliance Communications Network; WEHCO Video, Inc., CoxCom, Inc. and Cebriidge Acquisition, L.P., d/b/a Suddenlink Communications ("Complainants") hereby respectfully move the Hearing Officer for authorization to file a Reply ("Reply") to

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Respondent Entergy Arkansas Inc.'s ("Entergy's") Response to ACTA's Motion to Compel ("Response"). Good cause exists for this Motion.

I. BACKGROUND

On January 26, 2007, Complainants filed an Amended Motion to Compel Production of Documents and Answers to Interrogatories ("Motion to Compel"). On February 1, 2007, Entergy filed its Response. Simultaneously with this Motion, Complainants are filing a Reply to Entergy's Response.

II. DISCUSSION

As the Hearing Officer is aware, Complainants filed a separate reply brief on a different matter on February 1, 2007, and Entergy promptly moved to strike it. Entergy argued that under 47 C.F.R. § 1.294, Complainants could only file a reply brief upon authorization from the Hearing Officer. See Entergy's Motion to Strike (Feb. 2, 2007). Complainants filed an Opposition to Entergy's Motion to Strike on February 5, 2007, noting that it was unclear whether Section 1.294 applied at all and asking that, if the Hearing Officer found that Section 1.294 *did* apply, he construe the Opposition as a request for authorization and authorize the filing of the reply.

Complainants are now filing another Reply. Since the Hearing Officer has not yet had an opportunity to rule on Entergy's Motion to Strike, and Complainants therefore do not know whether the Hearing Officer believes authorization pursuant to Section 1.294 is required to file the Reply, Complainants hereby move the Hearing Officer for such authorization in the event it is required. If such authorization is not required, Complainants ask that the Hearing Officer simply accept the Reply as a filing as of right under 47 C.F.R. § 1.45.

As Complainants stated in their Opposition to Entergy's Motion to Strike, Section 1.294(d) gives the Hearing Officer explicit power to grant authorization to file a reply brief, *see id.*, and such authorization may be granted for good cause shown, *see Applications of Cosmopolitan Enterprises, Inc.*, 58 F.C.C. 2d 21, n.1 (Rev. Bd. 1976). Here, as in Complainants' prior reply brief, good cause exists because the Reply will be "helpful in resolving the questions raised by the opposition pleadings," *Applications of Mid-Florida Television Corp.*, 76 F.C.C. 2d 158, n.6 (1980), it will help create "a complete record," and Entergy would not be prejudiced by its acceptance, *Applications of RKO General Inc.*, 89 F.C.C. 2d 297, n.126 (1982). Specifically, the Reply clears up a matter of confusion as to whether Complainants' Amended Motion to Compel differs substantially from Complainants' initial Motion to Compel. *See Reply* at 3 n.2. The Reply also offers a concession as to the scope of one of the Document Requests that Entergy had deemed overbroad. *See id.* at 10 n.12. Finally, the Reply completes the record by responding to several of Entergy's factual arguments and offering the Hearing Officer case law relevant to the discovery issue presented. *See id.* at 7-9. For these reasons, and pursuant to the Commission precedent cited above, Complainants respectfully request that its Reply be accepted.

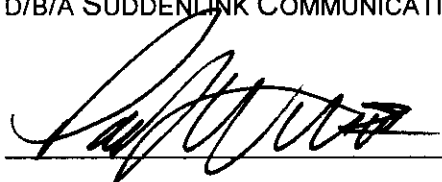
III. CONCLUSION

For the foregoing reasons, and to the extent authorization pursuant to Section 1.294(d) is required, Complainants respectfully request that the Hearing Officer

grant such authorization and accept the Reply.

Respectfully submitted,

ARKANSAS CABLE TELECOMMUNICATIONS
ASSOCIATION; COMCAST OF ARKANSAS,
INC.; BUFORD COMMUNICATIONS I, L.P.
D/B/A ALLIANCE COMMUNICATIONS
NETWORK; WEHCO VIDEO, INC.; COXCOM,
INC.; AND CEBRIDGE ACQUISITION, L.P.,
D/B/A SUDDENLINK COMMUNICATIONS



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February 7, 2007

Its Attorneys

CERTIFICATE OF SERVICE

I, Christine Reilly, hereby certify that on February 7, 2007, a copy of the foregoing **MOTION FOR AUTHORIZATION TO FILE REPLY BRIEF** was hand-delivered, and/or placed in the United States mail, and/or sent via electronic mail, postage prepaid, to:

Marlene H. Dortch (*Orig. & 6 copies*)
Secretary
Federal Communications Commission
445 12th Street, S.W.
Room TW-A325
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The Honorable Arthur I. Steinberg **
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A handwritten signature in black ink, consisting of a large, stylized 'C' followed by a horizontal line and a diagonal stroke.

Christine Reilly

* Served via U.S. Mail

** Also served via Electronic Mail